



STATE OF INDIANA

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**PUBLIC ACCESS COUNSELOR
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March 30, 2016

Mr. Jesse Clements and Mr. Gersh Zavodnik
Post Office Box 68082
Indianapolis, Indiana 46268

Re: Formal Complaint 16-FC-40; Alleged Violation of the Access to Public Records Act by Marion Superior Court 13

Dear Mr. Clements and Mr. Zavodnik:

This advisory opinion is in response to your formal complaint alleging the Marion Superior Court 13 ("Court") and the Honorable Judge James A. Joven violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 et. seq. The Department has responded via Mr. Richard McDermott, Assistant Corporation Counsel. His response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on February 24, 2016.

Your complaint dated February 24, 2016 alleges the Marion Superior Court 13 violated the APRA by improperly denying your records request. You allege you requested access to public records in November and December 2015. Please be advised a complainant has thirty (30) days to file a formal complaint after the date of the denial of access pursuant to Ind. Code § 5-14-5-7. The denial date for the November requests was December 16, 2015, over sixty (60) days prior to the filing date of your complaint.

It appears as if your December request for a copy was granted, however, by Judge Jovan on January 25, 2016. The acknowledgement issue was addressed to you in *Opinion of the Public Access Counselor 13-FC-50* and the inspection vs. copying discussion was resolved in your prior complaint, *15-FC-325*. These matters are settled and the Judge's actions do not constitute a denial.

Additionally, I have requested in the past that you frame your alleged violations in a succinct, orderly manner free from extraneous exposition and profane commentary. Expectations for filing a formal complaint can be found here:

http://www.in.gov/pac/files/Guide_to_Filing_a_Formal_Complaint.pdf.

Once a complaint has been received in the proper form, this Office can proceed to address your access questions, if said complaint is timely.

Regards,

A handwritten signature in black ink, appearing to be 'LHB', written in a cursive style.

Luke H. Britt
Public Access Counselor

Cc: Mr. Richard McDermott, Esq.